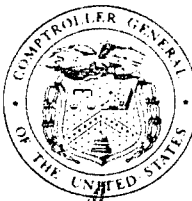


15319

Honduril

PLCG

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

[Protest Alleging Awarder Does Not Qualify as Small Business Concern]

FILE: B-200723

DATE: October 31, 1980

MATTER OF: F.P.I. Mechanical Inc.

DIGEST:

Protest concerning small business size status of offeror is not subject to review by GAO since by law it is matter for decision by the Small Business Administration.

F.P.I. Mechanical Inc. (F.P.I.) protests the award of a contract under request for quotations (RFQ) No. DTCG30-80-Q-01769, a small business set-aside, issued by the Department of Transportation to Simplex Time Recorder Company (Simplex) for the procurement of security control and alarm systems.

F.P.I. contends that Simplex does not qualify as a small business concern because of its recognized international leadership in the industry and numerous offices throughout the world.

Under 15 U.S.C. § 637(b) (1976), the Small Business Administration SBA is empowered to conclusively determine matters of small business size status for Federal procurement and sales purposes. A&R Window Cleaning & Janitorial Service Inc., B-197612, March 28, 1980, 80-1 CPD 231. Consequently, our Office is without authority to review F.P.I.'s protest.

The protest is dismissed.

Milton J. Socolar

Milton J. Socolar
General Counsel

012645